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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/858,436	05/16/2001	Rachad Alao	OTV-1004-US	2488

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EXAMINER

USTARIS, JOSEPH G

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 08/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/858,436

Applicant(s)

ALAO ET AL.

Examiner

Joseph G. Ustaris

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22-29 is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-12, 14 and 16-20 is/are rejected.
- 7) ☒ Claim(s) 1, 4, 5, 13, 15, 17, 20-23 and 27-29 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statements (IDS) were submitted on 04/21/2003, 07/11/2003, and 06/19/2006. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Objections

2. Claims 1, 13, 17, 20, 21, 22, 23, 27, 28, and 29 are objected to because of the following informalities:

Regarding claim 1, line 3 recites, "plurality of head end operator client devices". It is unclear what applicant is trying to claim.

Regarding claim 13, lines 7-8 recites, "a sliding time rejection window for rejection of message packets with sequence numbers appear in the rejection window". It is unclear what applicant is trying to claim.

Regarding claim 17, lines 2-3 recites, "control access by the service provider access to user information". It is unclear what applicant is trying to claim.

Regarding claims 20 and 21, line 1 recites "SGW". It is unclear what "SGW" means within the claims.

Regarding claim 22, lines 14-15 recites, "gateway compresses data received from a client data and". It is unclear what applicant is trying to claim.

Regarding claim 23, claim 23 depends on claim 23 as recited on line 1. The examiner will assume that claim 23 depends off claim 22.

Regarding claim 27, line 12 recites, "stamp fo each".

Regarding claim 28, line 4 recites, "comprisinga".

Regarding claim 29, lines 5-6 recites, "control access by the service provider access to user information". It is unclear what applicant is trying to claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 6, and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Bum (US006285685B1).

Regarding claim 1, Bum discloses a service gateway (See Fig. 1, gateway 12) residing in a server at a head end operator (See Fig. 1, D-CATV head end 10) for providing communication between a plurality of service providers (See Fig. 1; col. 3 lines 29-42, Internet service and satellite service) and a plurality of applications running

on a plurality of head end operator client devices (See Figs. 1 and 2, settop box 40 and PC 50; col. 4 lines 7-22, e.g. Web browser and VOD application) comprising:

- a server for communication between the service providers and the client devices (See Fig. 1; D-CATV head end 10 or VOD center 20);

- an application level meta language for communication between client applications and service providers (e.g. TCP/IP used to communicate Internet requests and VOD requests) (See Fig. 1; col. 4 lines 7-22);

- a communication link between the client devices and the service platform (e.g. the D-CATV head end is consider a service platform) for transmission of messages between the client devices and the service gateway (See Fig. 1, network 30);

- a transport protocol process residing in the client device for sending a transport level message encapsulating the meta language to a service provider (e.g. the TCP/IP packets are transported within ATM packets) (See Fig. 1; col. 4 lines 23-54);

- and a conversion function for converting the client's message from the transport level protocol (e.g. ATM packets) into a plurality of standard protocols (IP packets) for transmission to the service provider over the communication link (See col. 4 lines 44-50).

Regarding claim 2, a transcoder for converting content received from a service provider into a format suitable for display on the client device (See Fig. 2, user interface controller 88 and Video output unit 76).

Regarding claim 6, a data name service for resolving a service identifier of an application server for a client process identifying a service in a transport communication

protocol message (e.g. the VC header of the packet includes service information in order to identify Internet packets from VOD packets) (See col. 4 lines 1-20).

Regarding claim 14, wherein the service gateway creates a session identifier derived from a hardware identifier and inserts a session identifier in place of the hardware identifier into each communication between a client and a service provider (e.g. the VC header of the packet includes session information in order to determine if the packets are delivered to the settop box or PC) (See col. 4 lines 1-20).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bum (US006285685B1).

Claim 3 contains the limitations of claim 1 and is analyzed as previously discussed with respect to that claim. However, Bum does not disclose compressing data and sending the compressed data to a service provider.

Official Notice is taken that it is well known in the art to compress data for transmission. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the system disclosed by Bum to compress

data received from a client and send the compressed data to a service provider in order to reduce the amount of bandwidth needed to send data.

Claim 7 contains the limitations of claim 1 and is analyzed as previously discussed with respect to that claim. However, Bum does not disclose encrypting data.

Official Notice is taken that it is well known in the art to encrypt data for transmission. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the system disclosed by Bum to encrypt each fragment of a transport level message in order to protect the information contained within the message.

Claim 8 contains the limitations of claim 1 and is analyzed as previously discussed with respect to that claim. However, Bum does not disclose a business filter associated with a client to select information to be captured from a broadcast data stream for the client based on at least one of the following: client preferences, viewer profiles or transaction history.

Official Notice is taken that it is well known in the art to create user profiles that client to select information to be captured. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the system disclosed by Bum to have a filter associated with a client to select information to be captured from a broadcast data stream for the client based on at least one of the following: client preferences, viewer profiles or transaction history in order to expand the capabilities of the system and providing more services and convenience to the user.

Claim 9 contains the limitations of claim 1 and is analyzed as previously

discussed with respect to that claim. However, Bum does not disclose an offline viewer identification function which enables offline viewer payment.

Official Notice is taken that it is well known in the art to have a function that enables offline viewer payment. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the system disclosed by Bum to include a function which enables offline viewer payment in order to expand the capabilities of the system and providing more convenience to the user by allowing the user to make payments in person, on the phone, or by mail.

Claim 10 contains the limitations of claim 1 and is analyzed as previously discussed with respect to that claim. However, Bum does not disclose an offline order form.

Official Notice is taken that it is well known in the art to have an offline order form (e.g. paper catalog). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the system disclosed by Bum to include an offline order form in order to expand the capabilities of the system and providing more convenience to the user by allowing the user to place orders in person, on the phone, or by mail.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bum (US006285685B1) in view of Panabaker (US 20030023970A1).

Claim 11 contains the limitations of claim 1 and is analyzed as previously discussed with respect to that claim. Furthermore, Bum discloses a store and forward

library (See Fig. 1, VOD center 20). However, Bum does not disclose a delivery timing constraints comprising "as soon as possible", "when connected", "after a random period of time", "after a set period of time", "after a specified occurrence, event or message" and "spread stored messages over available time and bandwidth".

Panabaker discloses an interactive television system that delivers data down to the client. Panabaker discloses that the data is sent down according to a timeline or delivery timing constraints comprising "as soon as possible", "when connected", "after a random period of time", "after a set period of time", "after a specified occurrence, event or message" and "spread stored messages over available time and bandwidth" (See paragraphs 0077-0078). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the system disclosed by Bum to have delivery timing constraints comprising "as soon as possible", "when connected", "after a random period of time", "after a set period of time", "after a specified occurrence, event or message" and "spread stored messages over available time and bandwidth", as taught by Panabaker, in order to enable the system to have a means of organizing the delivery of contents.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bum (US006285685B1) in view of Ueda (US005973680A).

Claim 12 contains the limitations of claim 1 and is analyzed as previously discussed with respect to that claim. However, Bum does not disclose a message from a client indicating the client's available memory and the service gateway checks

incoming messages directed to the client to determine that the available memory is sufficient to receive the message before forwarding the message to the client.

Ueda discloses a motion picture retrieval system. Ueda discloses that the system receives a message from a client indicating the client's available memory and the service gateway checks incoming messages (e.g. motion picture codes) directed to the client to determine that the available memory is sufficient to receive the message before forwarding the message to the client (See col. 8 lines 19-29). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the system disclosed by Bum to receive a message from a client indicating the client's available memory and the service gateway checks incoming messages directed to the client to determine that the available memory is sufficient to receive the message before forwarding the message to the client, as taught by Ueda, in order to ensure that the terminal is able to store the message thereby efficiently utilizing the bandwidth available on the network.

Claim 16 rejected under 35 U.S.C. 103(a) as being unpatentable over Bum (US006285685B1) in view of Horiwitz et al. (US006785901B1).

Claim 16 contains the limitations of claim 1 and is analyzed as previously discussed with respect to that claim. However, Bum does not disclose authentication function for multiple users at a single client with multiple users, through nicknames, personal identifiers and client hardware identifier (HID).

Horiwitz et al. (Horiwitz) discloses a Web TV system. Horiwitz discloses a settop box that utilizes an authentication function for multiple users at a single client with multiple users, through nicknames, personal identifiers and client hardware identifier (HID) (See Fig. 6; col. 10 lines 45-67). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the system disclosed by Bum to include an authentication function for multiple users at a single client with multiple users, through nicknames, personal identifiers and client hardware identifier (HID), as taught by Horiwitz, in order to expand the capabilities of the system and to provide an efficient means of distinguishing one user from another.

Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bum (US006285685B1) in view of Herz et al. (US005835087A).

Claim 17 contains the limitations of claim 1 and is analyzed as previously discussed with respect to that claim. However, Bum does not disclose business agents that control transactions and control access by the service provider to user information.

Herz et al. (Herz) discloses an electronic media system. Herz discloses that the system utilizes business agents that control transactions and control access by the service provider to user information (See col. 5 lines 52-67). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the system disclosed by Bum to include business agents that control transactions and control access by the service provider to user information, as taught by

Herz, in order to expand the capabilities of the system and to protect the true identity of the users.

Regarding claim 18, business agents which insert, replace and delete client identification information from a message from a client to a service provider during a transaction, thereby hiding the identity of the client from the service provider (See Herz col. 5 lines 55-67).

Regarding claim 19, wherein the amount and type of client business information provided to a service provider, is guided by business rules depending on an agreement between the service provider and a network operator (e.g. purchasing information from the proxy server) (See Herz col. 5 lines 55-67).

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bum (US006285685B1) in view of Herz et al. (US005835087A) as applied to claims 17-19 above, and further in view of Eldering et al. (US006820277B1).

Bum in view of Herz discloses business agents that control access to user information as discussed in claim 17 above. However, Bum in view of Herz does not disclose that the business agent provides default values.

Eldering et al. (Eldering) discloses a digital video system with an advertising management system. Eldering discloses that agents provide default values (See col. 6 line 46 – col. 7 line 10). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the system disclosed by Bum in view of Herz to have agents provide default values, as taught by Eldering, in order to

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give the operator more options when maintaining profiles thereby producing profiles with valuable information to marketers/advertisers.

Allowable Subject Matter

5. Claims 22-29 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding claims 22-29, the prior art of record fails to show or fairly suggest that the system performs asymmetrical data routing between the clients and services providers based on the size of the data and the availability of the broadcast stream and the point-to-point connections between the service gateway and the clients.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claims 4, 5, 13, 15, and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 4, the prior art of record fails to show or fairly suggest that the system performs asymmetrical data routing between the clients and services providers

based on the size of the data and the availability of the broadcast stream and the point-to-point connections between the service gateway and the clients.

Regarding claim 5, the prior art of record fails to show or fairly suggest receiving a LHTTP message and converting the LHTTP request into a standard HTTP communication protocol.

Regarding claim 13, the prior art of record fails to show or fairly suggest a sliding time rejection window that rejects packets with sequence numbers that appear within the rejection window.

Regarding claim 15, the prior art of record fails to show or fairly suggest a socket type abstraction layer that runs on top of the User Datagram Protocol data (UDP) and encapsulates the UDP into transport level protocol messages.

Regarding claim 21, the prior art of record fails to show or fairly suggest delivering a message from a client to a service provider at a later time, wherein a plurality of messages are dispersed for delivery over a period of time to reduce peak transmission load.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please take note of Gaw et al. (WO 98/53581) for their similar system.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph G. Ustaris whose telephone number is 571-272-7383. The examiner can normally be reached on M-F 7:30-5PM; Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



JGU
August 24, 2006



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